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FILED
DISTRICT COURT OF GUAM
MAY - 7 2002
MARY L. M. MORAN
CLERK OF COURT

Attorney's for United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN S. LEON GUERRERO,

Defendant,

NIPPON RENT-A-CAR,

Garnishee.

CIVIL CASE NO. 02-00005

**WRIT OF CONTINUING
GARNISHMENT; INSTRUCTIONS
TO THE GARNISHEE**

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Nippon Rent-A-Car
Attn: Payroll
P.O. Box 8407
Tamuning, Guam 96931

An application for a Writ of Continuing Garnishment against the property of Defendant-Judgment Debtor BRIAN S. LEON GUERRERO, Social Security Number 586-88-5345, whose last known address is: P.O. Box 5235, Hagåtña, Guam 96932, (hereinafter "Debtor"), has been filed with this Court. A judgment in a civil case was filed against the Debtor on March 25, 2002, and the amount due totals \$1,914.20 as of April 30, 2002. (\$1,759.58 principal + \$4.62 int. to 04/30/02 + \$150.00 Costs).

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1 You are required by law to answer in writing, under oath, and within ten (10), after
2 receipt of this writ, the following information: (1) Whether or not you have in your custody,
3 control or possession, any property or money owned by the Debtor, including nonexempt,
4 disposable earnings; (2) A description of such property and the value of the property; (3) A
5 description of any previous garnishment to which such property is subject and the extent to
6 which any remaining property is not exempt; and (4) The amount of the debt you anticipate
7 owing to the Debtor in the future and whether the period for payment will be weekly or another
8 specified period.

9 **You are also required by law to withhold and retain any property or money of the**
10 **defendant you have in your custody, control or possession, including wages, salary or**
11 **commissions, or if you obtain custody, control or possession until you receive instructions**
12 **from the Court which will tell you what to do with the property and which will notify you**
13 **when this Writ is no longer in effect. The United States requests that the sum of 25% of**
14 **the defendant's monthly non-exempt disposable earnings be withheld from the defendant's**
15 **earnings.**

16 You must file the original written answer to this writ within ten (10) days of your receipt
17 of this writ with the United States District Clerk at: U.S. District Court of Guam, 4th Floor,
18 U.S. Courthouse, 520 West Soledad Avenue, Hagåtña, Guam 96910. YOU MUST ANSWER
19 THE WRIT EVEN IF YOU DO NOT HAVE IN YOUR CUSTODY, CONTROL OR
20 POSSESSION ANY PROPERTY OF THE DEFENDANT. Additionally, you are required by
21 law to serve a copy of this answer upon the debtor at: P.O. Box 5235, Hagåtña, Guam 96932
22 and upon the United States Attorney at: U.S. Attorney's Office, Attn.: Robert W. Pearson,
23 Special Assistant U.S. Attorney, Sirena Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagåtña,
24 Guam 96910-5059.


25 Under the law, there is property which is exempt from this writ of Garnishment. Property
26 which is exempt and which is not subject to this order is listed on the attached Claim for
27 Exemption form, which the debtor must sign and return if he is claiming any exemptions.

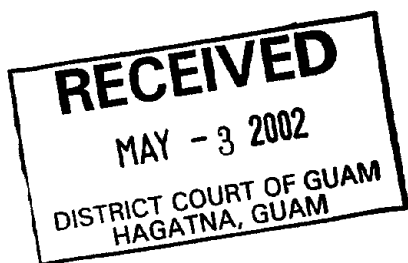
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1 If you fail to answer this writ or withhold property in accordance with this writ, the
2 United States of America may petition the Court for an order requiring you to appear before the
3 Court to answer the writ and to so withhold the property before the appearance date. If you fail
4 to appear or do appear and fail to show good cause why you failed to comply with this writ, the
5 Court may enter a judgment against you for the value of the Debtor's non-exempt interest in such
6 property (including nonexempt disposable earnings). The Court may also award a reasonable
7 attorney's fee to the United States and against you if the writ is not answered within the time
8 specified herein and if the United States files a petition requiring you to appear. **It is unlawful**
9 **to pay or deliver to the Debtor any item attached by this writ.**

10 DATED MAY - 7 2002, Hagåtña, Guam.

11
12
13 MARY L. MORAN
14 Clerk of Court
District Court of Guam

15
16 By: 
17 **Renee M. Martinez**
18 **Deputy Clerk**



1 TO: Nippon Rent-A-Car
2 Attn: Payroll
3 P.O. Box 8407
4 Tamuning, Guam 96931

5 Please read the following instructions regarding the steps you must take to comply with
6 this Writ. For additional information, you may want to contact your attorney or the attorney for
7 the United States identified in Paragraph 6.

8 **INSTRUCTIONS TO THE GARNISHEE**

9
10 1. The name, last known address and Social Security Number of the person who is
11 the defendant in this action and whose property is subject to this Writ is:

12 Brian S. Leon Guerrero
13 P.O. Box 5235
14 Hagåtña, Guam 96932
15 SSN: 586-88-5345

16 2. This Writ has been issued at the request of the United States of America to
17 enforce the collection of a civil judgment entered in favor of the United States against the
18 defendant. The amount of the judgment as of April 30, 2002 is \$1,914.20, (\$1,759.58 principal +
19 \$4.62 int. to 04/30/02 + \$150.00 Costs).

20 3. If you have in your custody, control or possession any property or money of the
21 defendant, including wages, salary or commissions, or if you obtain custody, control or
22 possession of such property while this Writ is in effect, you must immediately withhold the
23 property from the defendant and retain it in your possession until you receive instructions from
24 the Court which will tell you what to do with the property and which will notify you when this
25 Writ is no longer in effect. The United States requests that the sum of 25% of the defendant's
26 monthly non-exempt disposable earnings be withheld from the defendant's earnings.

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1 4. You are required to answer this Writ within 10 days after the service of the Writ
2 upon you. YOU MUST ANSWER THE WRIT EVEN IF YOU DO NOT HAVE IN YOUR
3 CUSTODY, CONTROL OR POSSESSION ANY PROPERTY OF THE DEFENDANT. Your
4 Answer must state, under oath, the following information:

- 5 a. whether you have custody, control or possession of money
6 or earnings of the defendant;
7 b. a description of the money or earnings and amount;
8 c. a description of any other garnishments, suggestions or
9 levies to which the earnings are subject and the extent to
10 which any remaining earnings are exempt from
11 garnishment, suggestion or levy;
12 d. the amount of any earnings you anticipate owing the
13 defendant in the future and the date on which payment will
14 be made; and
15 e. a description of any earnings you anticipate will come into
16 your custody, control or possession and the dates on which
17 such custody, control, or possession will occur.

18 5. After you complete the answer under oath, you must mail or deliver an answer
19 bearing the **original** signature plus one copy of the person preparing the answer to:

20 Clerk, United States District Court of Guam
21 4th Floor, U.S. Courthouse
22 520 West Soledad Avenue
23 Hagåtña, Guam 96910

24 At the same time you mail or deliver the answer to the Clerk, you must also mail or
25 deliver copies of the answer to:

26 Robert W. Pearson
27 Special Assistant U.S. Attorney
28 U.S. Attorney' Office
 Attn: Financial Litigation Unit
 Sirena Plaza, Suite 500
 108 Hernan Cortez Avenue
 Hagåtña, Guam 96910-5059

CLAIM FOR EXEMPTION FORM
MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- ___ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- ___ 2. Veterans benefits (38 U.S.C. § 3101).
- ___ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- ___ 3. Federal Civil Service Retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- ___ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- ___ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- ___ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- ___ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- ___ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- ___ 7. **Bankruptcy Code** (Title 11, United States Code) which generally provides exemptions for:

- ___ 7a. \$17,425.00 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

- ___ 7b. \$2,775.00 in equity in a motor vehicle.

Property Claimed: _____
Fair market Value \$ _____

- ___ 7c. \$1,150.00 in jewelry.

Property Claimed: _____
Fair market Value \$ _____

- ___ 7d. \$9,300.00 in personal property. (However, no single item worth more than \$450.00 can be exempt.)

Property Claimed: _____
Fair market Value \$ _____

- ___ 7e. \$925.00 in property, plus up to \$8,725.00 of any unused amount of the exemption provided in number 7(a) above.

Property Claimed: _____
Fair market Value \$ _____

____ 7f. \$1,750.00 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed: _____
Fair market Value \$ _____

____ 7g. Any unmaturred life insurance contract the debtor owns, other than credit life insurance.

Property Claimed: _____
Fair market Value \$ _____

____ 7h. The aggregate value, up to \$9,300.00, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract the debtor owns, but only if the debtor is the insured or the debtor is a dependant of the insured.

Property Claimed: _____
Fair market Value \$ _____

____ 7i. Professional prescribed health aids for the debtor or the debtor's dependants.

Property Claimed: _____
Fair market Value \$ _____

____ 7j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support and separate maintenance, to the extent these items are reasonably necessary for your support or the support of you dependants.

Property Claimed: _____
Fair market Value \$ _____

____ 7k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).

Property Claimed: _____
Fair market Value \$ _____

____ 7l. The debtor's right to receive, or property that is traceable to,

- an award under a crime victim's reparation law;
- a payment on account of the wrongful death of an individual of whom the debtor was a dependant, but only to the extent of reasonably necessary for the debtor's support or the support of the debtor's dependants;
- a payment under a life insurance contract that the insured an individual's death, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants;
- a payment, not to exceed \$17,425.00, on account of personal bodily injury suffered by the debtor or by an individual of whom the debtor is a dependant; however, payment for paid and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
- a payment in compensation of loss of the debtor's future earnings or the future earnings of an individual of whom the debtor is, or was, a dependant, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants.

Property Claimed: _____
Fair market Value \$ _____

_____ 8. Compensation for war risk hazards (42 U.S.C. § 1717).

NOTE: If you have selected the Bankruptcy Code exemptions (Line 7 above), you may not also claim the exemptions listed below.

MAJOR EXEMPTIONS UNDER THE TERRITORY OF GUAM

NOTE: If you select the exemptions available under territorial law, the law of the territory or state while you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant Territorial law provisions pursuant to § 690 of the Guam Code of Civil Procedure and Guam Public Law No. 17-33 allow the following exemptions:

_____ 9. **Debtor's Homestead**

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

_____ 10. **Personal Property** - Necessary household goods, table and kitchen furniture. Necessary clothing valued at \$50.00 and provision for three months. A fishing boat and net valued at \$50.00. A cow and its calf, two sows and their suckling pigs, fifteen hens and three roosters; and a one month supply of food for each animal. Articles of religious worship valued at \$25.00.

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____

_____ 11. **Trade/Farming Implements** - Farming utensils valued at \$50.00. A beast of burden (e.g., horse, carabao or ox) with one cart together valued at \$150.00 used in the ordinary course of business; also one month supply of food for such beast and grain or vegetables for planting or sowing within six months valued at \$25.00.

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____

_____ 12. **Tools of the Trade** = Professional libraries or lawyers, judges, clergyman, doctors and preachers valued at \$250.00. Necessary tools of mechanic/artisan valued at \$25.00

Amount Claimed: \$ _____

_____ 13. **Cemeteries and Burial Funds** - Gravestones

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

____ 14. **Wages/Salary** - Necessary earnings of debtor rendered within thirty days next preceding the levy of execution or attachment.

Amount Claimed: \$ _____

____ 15. **Military Equipment** - Arms, uniforms and accouterments for Guam militia.

Property Claimed:

Fair Market Value

\$ _____
\$ _____
\$ _____

____ 16. **Child Support and Separate Maintenance** - Child support money received.

Amount Claimed: \$ _____

____ 17. **Pensions and Retirement Benefits** - Pensions payable by the U. S., Government of Guam, and private retirement plans.

Amount Claimed: \$ _____

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Date

Signature of Defendant

Defendant's printed or typed name